United Nations

Report of the Committee on Relations with the Host Country

General Assembly

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Fifty-sixth Session
Supplement No. 26 (A/56/26)

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I. Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 55/154 of 12 December 2000, decided to include in the provisional agenda of its fifty-sixth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 55/154.

2. The report consists of four sections. The recommendations and conclusions of the Committee are contained in section IV.

II. Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

4. During the reporting period, Sotirios Zackheos (Cyprus) continued to serve as Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I.

6. During the period under review, the Committee held the following meetings: the 206th, on 22 February 2001; the 207th, on 1 June 2001; the 208th, on 17 August 2001; and the 209th, on 26 October 2001.

7. The Bureau of the Committee consists of the Chairman, the three Vice-Chairmen, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meetings.

8. The Working Group on the use of diplomatic motor vehicles, parking and related matters, established at the 181st meeting, held no meetings during the reporting period.

9. The Working Group on indebtedness, whose mandate is to consider all the aspects of the problem, did not hold any meetings during the reporting period.

10. On 17 September 2001, under the auspices of the Committee, the Chairman issued the following press statement:

> "On behalf of the United Nations diplomatic community and in the name of the Committee on Relations with the Host Country, I would like to echo the sense of outrage felt in the hearts and minds of all humanity at the tragic and senseless loss of human life and property which have resulted from the heinous acts of terrorism inflicted upon our host city and country. We express our solidarity with the people and Government of the United States of America and join them in mourning the loss of the countless victims of these atrocities, sharing the grief of their families and loved ones, and expressing the hope that all those responsible for the massive death and destruction will be brought to justice as soon as possible.
>
> "We are grateful for the valiant and noble efforts of the men and women of the City and State of New York and the Federal Government who are working tirelessly to rescue the missing, recover the lost, salvage the ruins and restore the peace and security of our host city and country."

III. Topics dealt with by the Committee

A. Exemption from taxation

11. At the 206th meeting, the representative of the host country made a statement on the question of

exemption from real estate or property tax. In response to a programme on one of the local television channels on taxes owed by diplomatic and consular missions in New York, he clarified the regime governing the payment of property tax by permanent missions. He explained that permanent missions in New York which own their buildings and which rent, lease or otherwise make available additional space therein to other entities are engaging in commercial transactions and are responsible for the property tax on that portion of the building so used even if the tenant is another diplomatic mission. Permanent missions which occupy buildings in New York which are owned by their Governments which may be used by many different organizations affiliated with that Government, such as the offices of a national airline, a government bank, a tourist office or other business-oriented national ventures, are considered mixed-use buildings. The Governments of such properties are advised to discuss their tax status through normal bilateral channels. He also clarified that water, sewage and frontage taxes are not in fact taxes but rather charges for public utility services provided by local government and that, as such, permanent missions are obligated to pay for these services. In response to a question by the Chairman, the representative of the host country confirmed that the United States Mission would communicate the foregoing to all diplomatic missions in a circular diplomatic note.

B. Housing for diplomatic personnel

12. At the 206th meeting, the representative of Iraq referred to the problem of housing for staff of the Iraqi Mission and pointed to the fact that many landlords refused to rent to diplomats and requested the United States Mission's assistance in resolving this problem. Acknowledging the host country's position that it was not in a position to interfere with personal and commercial transactions in the free market, he expressed the view that the foregoing must be considered in the light of the host country's obligations vis-à-vis the permanent missions and their staff, including their housing. The representative of Cuba expressed support for the Iraqi concerns on the housing difficulties. She requested information on any measures that might have been taken or envisaged and suggested that the New York City Commissioner might also consider measures to improve the housing situation for diplomats accredited to the United Nations. The Cuban delegation reaffirmed the right and duty of the Committee to discuss all issues relevant to the life and well-being of the permanent missions and their staff. The representative of the host country reiterated that these were private commercial matters that depended on prevailing conditions in the free market. In respect of the sale, purchase, lease or other disposition of diplomatic property, permanent missions should apply to the Office of the Foreign Missions, which would respond within 60 days.

C. Host country travel regulations

13. At the 206th meeting, the representative of Iraq characterized the host country's travel restrictions as arbitrary and politically motivated; he indicated that such restrictions had hampered the work of the affected missions, in contravention of the Headquarters Agreement. He expressed his delegation's hope that the host country would take the necessary steps to ensure the fulfilment of its obligations under the Headquarters Agreement and other international legal instruments and called upon the host country to resolve those problems in good faith and in accordance with principles of international law.

14. The representative of Cuba made further comments on the restrictions on the movement of Cuban representatives and stated that the host country's policy of applying restrictions on movement based on nationality was an unfair, discriminatory and politically motivated policy. She stated that Member States were entitled to equality of rights and treatment. She characterized the practice of systematically refusing such requests as abusive and humiliating and as an outdated relic of the cold war which did not take into account prevailing realities in the world. The representative of Cuba was disappointed that the host country had not seen fit to either change its policy or provide an adequate explanation. She reiterated that the discriminatory and arbitrary treatment of States was a violation of both international treaties and the obligation of good faith. She referred to the fact that the General Assembly had called for greater cooperation with non-governmental organizations, the private sector and civil society, and yet when certain missions tried to foster such cooperation, the host country impeded their efforts on the basis that such activities were not United Nations-related. She called upon the host country to put an end to the unjustified refusal of travel applications as set out in document A/AC.154/339.

15. The representative of the Russian Federation restated his delegation's position that the practice and policy of travel restrictions on diplomats and Secretariat officials of certain nationalities was discriminatory and contrary to international law and expressed hope that the host country would change its policy.

16. The representative of the host country said that he was dismayed that such politically motivated allegations, which had not been legally supported, were undermining the effective functioning of the work of the Committee. He alluded to document A/AC.154/340, which set out the host country's response to A/AC.154/339 and its position on what constituted official and/or United Nations-related business. He confirmed that the host country was fully living up to its obligations under the Headquarters Agreement and that no country could be called upon to sacrifice its national security.

17. At the 207th meeting, the representative of Cuba referred to the 25-mile limit on diplomats of certain nationalities and reiterated his delegation's view that such restrictions violated human rights and the Charter of the United Nations. He stated that he was not surprised by the statement made by the host country; there had been no change in the United States position. The host country's selective implementation of international agreements ran counter to the law of treaties. He called upon the host country to apply international agreements in good faith, adding that the reasons for the travel restrictions were political. He cited two examples of travel requests denied by the competent authorities of the host country: an NGO event organized at West Point Academy and a tourism event in Amish country.

18. The representative of the host country stated that the continued politically motivated allegations regarding alleged discriminatory treatment with respect to travel regulations were undermining the effectiveness of the Committee. He assured the Committee that the host country had continuously acted within its treaty obligations to the United Nations and challenged Member States to provide evidence to substantiate their allegations in writing to facilitate an appropriate response by the host country. He questioned Cuba's definition of what constituted official United Nations business and doubted that a personal recreational tourist trip to Amish country could be defined as official United Nations business.

D. Acceleration of immigration and customs procedures

19. At the 207th meeting, the representative of Iraq raised the issue of entry visas and referred to the host country's policy of requiring three weeks to process applications submitted by Iraqi diplomats. He indicated that Iraq had tried to comply with the United States restrictions in view of the host country's national security concerns. Despite Iraq's efforts to abide by the United States policy, accredited Iraqi diplomats were facing official and personal difficulties. In particular, the Iraqi Permanent Representative was unable to obtain a re-entry visa when he wished to travel to Iraq to visit his mother who was ill. The Permanent Mission of Iraq maintained the view that the arbitrary imposition of such restrictions contravened international law and impeded the ability of Iraqi representatives to fulfil their official functions or to travel for personal or humanitarian reasons. Iraq further maintained that the host country had a duty to respect international agreements, including the Headquarters Agreement, which confirmed its obligation to facilitate the work of the permanent missions under normal circumstances. The Permanent Mission of Iraq urged the host country to review its policy.

20. The representative of Cuba indicated that the Permanent Mission of Cuba had also suffered under the host country's visa regime. Cuban representatives had experienced serious delays in the issuance of visas, which prevented Cuban delegates from doing their work in many United Nations meetings. The Permanent Mission of Cuba also urged the host country to review its policy. The representative stated that the Minister of External Relations of the Government of Cuba submitted serious requests for visas in a timely manner with all the necessary and requested information. Often the visas would be issued after the meeting was over or was about to end. The United States policy and practice seriously impeded Cuba's ability to participate effectively. He concluded that, despite its constructive and cooperative approach, the Permanent Mission of Cuba continued to suffer from the host country's selective and discriminatory treatment.

21. The representative of the host country reiterated that the host country's obligations under the Headquarters Agreement related to access to official meetings; where there were specific problems, the host country had always constructively responded to

representatives of Member States. As to the Iraqi complaint, the host country had not in any way prevented the Permanent Representative from departing the United States to visit his sick mother; the Permanent Representative could have left immediately and his passport had been returned to him for that purpose. The United States policy dealt with re-entry visas and as such could not have prevented his departure. As for delays in the issuance of visas to Cuban representatives, the representative of the host country recalled that United Nations meetings and conferences were scheduled months, sometimes years, in advance and questioned the tendency of the Permanent Mission of Cuba to wait for the last minute when applying for visas to United Nations meetings and conferences.

22. The representative of Cuba indicated that if the host country was of the view that submitting a visa application 21 days in advance constituted "waiting for the last minute", then there was clearly a problem of definition. Since the Committee on Relations with the Host Country had been established for the very purpose of resolving problems faced by the permanent missions, they had the right to raise issues that affected their work.

23. The representative of Iraq thanked the host country for its explanation concerning the Permanent Representative's re-entry visa. Clearly, the host country had not prevented the Permanent Representative from leaving the country; however, it would not be advisable for anyone to leave the country before ensuring the ability to return thereto. Failure to do so often incurred great cost and uncertain durations of sojourn in third countries anywhere from 21 days to one month. While the Permanent Mission of Iraq maintained its objections to the host country's restrictions, it had found a way to live with them. However, with respect to the representatives of the permanent missions to the United Nations whose accreditation had been formally accepted by the United States, there did not appear to be any compelling reason why the host country nonetheless restricted and/or delayed the issuance of their return visas.

E. Transportation: use of motor vehicles, parking and related matters

24. At the 207th meeting, the representative of Cuba raised the subject of diplomatic parking and stated that the number of reserved parking spaces had been reduced in the area of the Permanent Mission of Cuba to the United Nations. A diplomatic parking sign on 39th Street between Lexington and Third Avenues had been removed and fines had been imposed on the members of the Mission who had parked where they had always parked. The Permanent Mission of Cuba had not been notified about the removal of the sign and had not been provided with any reasons for that action. The representative of the host country said that the Cuban Mission should have sent a note to the United States Mission bringing the matter to the attention of the host country so that remedial action, if warranted, could have been taken. He suggested that the sign reserving the diplomatic parking space might have merely fallen down.

F. Consideration by the Committee of a letter from the Permanent Mission of Cuba concerning an order to seize the Permanent Mission's bank accounts and a letter from the United States Mission in response

25. At the 208th meeting, the representative of Cuba indicated that the Permanent Mission of Cuba had requested the meeting in the light of the restraining notice placed on its accounts at Chase Manhattan Bank. He reported that the law firm representing Cuban interests in the United States had informed the Cuban Mission that, on 7 August 2001, a restraining notice had been served on Chase Manhattan Bank in respect of two accounts maintained by the Cuban Mission. Cuba was of the view that the issuance of such a restraining notice constituted a serious violation of Cuba's diplomatic immunity and the immunity of its bank accounts which, under international law were immune from attachment and execution. He stated that the notice was therefore in and of itself illegal. Moreover, he explained that the restraining order had impeded the normal functioning of the Cuban Mission. On 8 August 2001, pursuant to an exchange of letters between Cuba's lawyers and Chase Manhattan Bank, the bank had decided not to implement the restraining notice and to continue the operation of the accounts. As the bank was bound by law to honour the notice, such action by the bank placed it under threat of legal action. While the Cuban Mission appreciated that Chase Manhattan Bank had exercised its discretion

favourably, it was unacceptable to subject Cuba's diplomatic immunity to the bank's discretion or to place such a burden on the bank. On 9 August 2001, the Permanent Mission of Cuba had written to the United States Mission and on 10 August 2001, Cuban representatives had met with American counterparts in Washington, D.C. The Government of the United States had acknowledged the diplomatic immunity enjoyed by Cuban diplomatic bank accounts. However, as of 11 August 2001, there had still been no official response or reaction. The United States Mission letter of 14 August 2001 (A/AC.154/342) was the first official communication by the host country.

26. Turning to the substance of the United States letter, the representative of Cuba noted the statement that the host country wished to remove any misunderstanding on the part of the Cuban Mission. He indicated that there was no misunderstanding and that the situation was crystal clear: there had been and continued to be a violation of diplomatic immunity. With respect to the second paragraph of the United States letter, which reported that the Cuban accounts had at all times operated normally, he expressed the view that the operation of the accounts was irrelevant. A restraining order by a private plaintiff had the same practical and legal effect as a ruling of the court. Thus although the bank had not given effect to the notice, it was important that the notice itself should be acknowledged as a violation of Cuba's immunity. The representative of Cuba was satisfied with the recognition contained in the third paragraph that diplomatic accounts were immune from attachment and execution. He was not pleased, however, that the host country would intervene only in the event of interference with the operation of such accounts. As such, the host country had not recognized that the restraining order was in and of itself illegal and had made no response to the heart of Cuba's position. In that connection, the representative of Cuba called upon the host country to provide guarantees that such violations would not occur in the future.

27. When the representative of Cuba referred to the host country's use of the separation of powers as an excuse not to fulfil its international responsibilities and obligations and the host country's general policy of hostility and aggression against Cuba, the representative of the United States made a point of order, calling upon the representative of Cuba to limit his statement to the agenda item approved for the meeting and to matters within the competence of the Committee. The representative of Cuba continued his statement, indicating that he was responding to the second paragraph of the United States letter. In so doing, he alluded to United States embargoes on Cuba's commercial accounts and economic transactions; terrorist groups in Florida acting with impunity; and to the case of *Martinez v. Cuba* and the facts surrounding the downing of the planes in 1996. Raising another point of order, the representative of the United States queried the connection between alleged terrorists in Florida and restraining notices on Cuban bank accounts and called upon the Acting Chairman to rule on the matter. The Acting Chairman requested the representative of Cuba to continue his statement, concentrating on the agenda item approved for the meeting.

28. The representative of Cuba continued explaining that the restraining notice emanated from the *Martinez* case in Florida which had arisen out of the events in 1996. He then turned to the purposes for which the Permanent Mission of Cuba had requested the meeting, which he defined as follows: to elicit a more detailed statement of the host country's position; to clarify what misunderstanding the host country had referred to; to conduct a necessary debate in the proper exercise of the Committee's competence; and to seek guarantees that such violations would not be repeated with respect either to bank accounts or to any other diplomatic property, including diplomatic vehicles. He called upon the host country to meet its obligations under international law and the Headquarters Agreement to protect the diplomatic immunities of the permanent missions of Member States. He also sought clarification on what measures would be taken in respect of the plaintiff in the event that the restraining notice was not rescinded and on what compensation Cuba might have for the legal expenses and interruption of normal functioning that it had undergone in dealing with the restraining notice. The ongoing violation of Cuba's immunity and the disruption of its official functions rendered the matter of critical and urgent importance. As such, the Cuban Mission reserved the right to revert back to the issue in particular and generally to the host country's discriminatory practices with respect to certain Member States.

29. The representative of Iraq emphasized the importance and seriousness of the matter. He referred

to the independence of the courts and separation of powers, but confirmed that all branches of government were obliged to respect international law and the State's obligations thereunder. He referred in particular to paragraph 2 of the host country's letter. He recalled that the question of the immunity of sovereign States had been extensively discussed by the International Law Commission in 1991 and that despite profound disagreement on a range of issues, all had accepted the principle that accounts of diplomatic missions were immune from attachment and execution. He reported further that the same question had been raised in the Sixth Committee of the General Assembly in 1997. The working group of the Sixth Committee had held three substantive sessions in which no difference of views had been expressed with respect to the immunity of diplomatic accounts. The host country had fully supported this principle in the latter forums. Moreover, a range of legal opinions in European courts solidly supported and upheld the immunity enjoyed by diplomatic assets and accounts. As such, Iraq wished to reaffirm that the principle of immunity was a fully recognized principle of international law applicable to the United States and requested the host country to present guarantees that diplomatic accounts would continue to enjoy immunity in accordance with its obligations under international law.

30. The representative of Malaysia expressed the view that the restraining notice was a violation of diplomatic immunity, irrespective of Chase Manhattan Bank's decision not to enforce it. The host country had a legal obligation to prevent any interference with Cuba's diplomatic immunity and its normal functioning. The United States should take measures to remove the restraining notice. The representative of the Libyan Arab Jamahiriya indicated that the question of privileges and immunities of United Nations missions was of great importance. The immunity of diplomatic bank accounts was an established rule of international law. The restraining notice was a violation of Cuba's diplomatic immunities contrary to international norms and a breach of United States obligations. He expressed the view that the incident should have never occurred and in any event should never be repeated. The representative of the Libyan Arab Jamahiriya noted with appreciation the host country's affirmation that diplomatic accounts were immune from attachment and execution. In that connection, he made reference to the unwarranted ceilings and restrictions placed by the host country on the bank accounts of the Iraqi Mission. He appealed to the host country to reconsider its policy and to lift the restrictions in conformity with international law.

31. The representative of the host country responded first to the representative of Iraq and confirmed that the United States had not changed its position and continued to fully support the principle of the immunity of diplomatic accounts. He also confirmed that where there was any action against the diplomatic account of a permanent mission, the United States Mission moved quickly and successfully to protect that immunity. In response to the statement made by the representative of Cuba, he clarified that, in the case at hand, the restraining notice had been issued by an individual lawyer on behalf of a private plaintiff. Chase Manhattan Bank had realized that it was not a court order and had never honoured or implemented the restraining notice. As soon as the State Department was contacted by the Cuban representatives, the host country had taken immediate steps to ensure the withdrawal of the notice. As such, there had been no attachment or execution. The representative of the United States reported that such notices were issued all the time. While the host country could not prevent private individuals from taking such actions, the host country had done and would continue to do whatever was necessary to protect the assets and accounts of the permanent missions. The representative of the host country resented any indication that there had been any change in the United States position or policy. Finally, in response to the representative of the Libyan Arab Jamahiriya, he explained that the licence permitting the Libyan Mission to maintain a United States-based account was an exception to the United States law which precluded Libyan accounts in the country. The latter exception had been granted in recognition of the host country's obligations under the Headquarters Agreement. With respect to the sufficiency of the ceiling imposed on such Libyan accounts, he invited the Libyan representative to discuss the matter bilaterally.

32. The representative of China recalled that the Committee on Relations with the Host Country had been established in order to deal with the problems facing permanent missions and their privileges and immunities. The restraining notice ran contrary to Cuba's immunity. The host country should take all measures necessary to prevent any interference with the diplomatic immunity and normal functioning of

permanent missions in accordance with international law. The representative of France indicated that while it was important to recall the immunities enjoyed by diplomatic accounts, he had been reassured by the host country's response that the accounts were and had been operational. He appreciated the host country's intention to fully uphold the immunity of diplomatic accounts and the opportunity to recall a consensus principle shared by all, including the host country. The representative of the Russian Federation took note of the United States statement that the restraining notice had been issued by an individual and not by a court and that diplomatic bank accounts were immune from attachment and execution. He expressed the hope that the host country would continue to uphold such immunity and its obligations under international law. The representative of Costa Rica also emphasized the importance of the diplomatic immunity enjoyed by the permanent missions as well as the full and free functioning of diplomatic missions. As such, diplomatic missions and their assets should not be subject to restriction or interference. She noted with satisfaction that the United States State Department had expressed its willingness to intervene with the Department of Justice in the event of any threat to the enjoyment of such immunity. The representative of Cyprus expressed the view that the meeting had allowed a substantive and useful debate, confirming that the diplomatic privileges and immunities were of fundamental importance. He expressed appreciation for the host country's commitment to protect and defend the diplomatic immunity of the permanent missions and their assets and concurred with the view that the Committee on Relations with the Host Country was the forum to solve such problems.

33. At the 209th meeting, the representative of Cuba thanked the Chairman for convening the meeting and conveyed his country's condolences to the host country over the tragic events of 11 September 2001. Turning to the agenda item, he indicated that, having just received the host country's letter of 26 October 2001 (A/AC.154/345) responding to Cuba's letter of 15 October 2001 (A/AC.154/344) that afternoon, the Permanent Mission of Cuba would need time to study the letter and consult thereon. He recalled Cuba's intensive efforts to deal with the situation arising on 8 August 2001 with respect to the restraining notice served on Chase Manhattan Bank. He reiterated that Cuba's accounts were diplomatic accounts covered by the Vienna Convention and the Headquarters Agreement. He emphasized that Cuba considered that the notice itself was a violation of its privileges and immunities and a disruption of the normal functioning of the Mission and its accounts. He referred, inter alia, to the fact that the Mission and its staff had spent 100 hours despite loftier goals and tasks of the Mission; the extensive costs in lawyers' fees, salaries and documentation; and the contingencies developed in view of the threat that Chase Manhattan Bank might honour the notice. He urged the host country to restore the proper functioning of the accounts as soon as possible. The representative of Cuba also criticized the host country's position that since Chase Manhattan Bank had not complied with the notice, there was no problem. He recalled that, at the 208th meeting of the Committee, the representative of the host country had erroneously reported that the restraining notice had been withdrawn. At that meeting, the host country had made reference to two documents which it indicated contained confirmation that the notice had been withdrawn. A review of those documents revealed that they contained no confirmation that the restraining notice had been withdrawn or any guarantee that it would be. The situation was clearly not as it had been described by the host country at the 208th meeting. As the restraining notice was, in fact, still in place, the Permanent Mission of Cuba had issued the letter contained in document A/AC.154/343. In its letter contained in document A/AC.154/344, the Permanent Mission of Cuba had set out its legal position in response to the legal arguments put forth by the host country at the 208th meeting; in that letter, Cuba had also requested a meeting of the Committee. Cuba had refrained from taking any steps between 11 September and 15 October because it understood the difficult circumstances facing the host authorities in the wake of the 11 September tragedy. The representative of Cuba maintained, however, that it was necessary to eliminate any effect on the status as well as the operations of the accounts. It should also be understood that the only acceptable solution was for the restraining notice to be withdrawn. Thus far, the host country had not taken the necessary steps to remove the restraining notice. In Cuba's view, the United States clearly had an obligation to do so under international law and the necessary powers under national law. Cuba would not deem the matter settled until its accounts were under full and normal operation.

34. The representative of Iraq reaffirmed its views as set out in paragraph 29 of the present report, which

reflected Iraq's position on the privileges and immunities enjoyed by the permanent missions. He expressed support for Cuba's concerns and took due note of the host country's response in its letter of 26 October 2001 (A/AC.154/345).

35. The representative of the host country expressed gratitude for the Chairman's press statement on the tragic events of 11 September 2001 and for the condolences conveyed by delegations. With respect to the restraining notice, he indicated that the host country had made its position well known at the 208th meeting. He apologized for the delay in responding to document A/AC.154/344 and explained that the United States Mission had been waiting for a note from the United States Attorney, which had been received on 25 October 2001. Although the host country was not obliged to respond to the questions put forth by the law firm representing the Permanent Mission of Cuba, he provided the following clarifications. With regard to a court action to vacate the restraining notice, he stated that efforts under United States law were not relevant as long as the host country had fulfilled its obligations under international law. In response to the law firm's assertion that the restraining notice was a form of legal process, he emphasized that it was for the host country authorities to uphold the immunity and to determine the manner in which they did so. He recalled that the notice had been issued to Chase Manhattan Bank, not to the Permanent Mission of Cuba. The bank had been advised, and was well aware, of the invalidity of the notice. In the light of the foregoing, the representative of the host country regretted what he concluded was yet another attempt to politicize the work of the Committee in connection with the adoption of the report. The work of the Committee was of course continuing and was carefully reflected in the appropriate report, but it was necessary to issue a report at some point each year. Cuba might of course raise any legal concerns it might have in the Sixth Committee. In the meantime, the host country maintained that the Cuban accounts had been fully protected.

36. The representative of Cuba reiterated that it was the host country's obligation to uphold international law, a matter which could not be delegated to a private entity. While Cuba reserved the right to raise the matter in the Sixth Committee, the representative expressed satisfaction with the current forum. He also expressed concern that many of the Committee's functions had not been carried out in the face of an apparent threat of a veto. He called for a democratization of the Committee's work and stressed the need to avoid politicization.

IV. Recommendations and conclusions

37. At its 209th meeting, on 26 October 2001, the Committee approved the following recommendations and conclusions:

(a) The Committee expresses its deepest condolences to the families of the countless victims of the heinous acts of terrorism inflicted upon the host city and country on 11 September 2001; its gratitude for the rescue and recovery efforts by the competent local, state and federal authorities; its solidarity with the people and Government of the United States of America and its hope that all those responsible for the massive death and destruction will be brought to justice as soon as possible;

(b) The Committee welcomes the participation of Members of the United Nations and representatives of the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(c) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations and the observance of their privileges and immunities, which is an issue of great importance to them, is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(d) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(e) The Committee notes the efforts made by the host country mission concerning the problem of parking of diplomatic vehicles and requests the host country to continue to take steps, in conjunction with the City of New York, to resolve this problem in order

to maintain appropriate conditions for the functioning of the delegations and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law, to bring to the attention of New York City officials reports from the diplomatic community about cases of discriminatory treatment against diplomats in order to ameliorate the situation and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues;

(f) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider, and advise the host country on, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(g) The Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement, including to attend official United Nations meetings;

(h) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee continues to urge the host country to remove the remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(i) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(j) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed, with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/339	Letter dated 8 February 2001 from the Deputy Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/340	Letter dated 21 February 2001 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/341	Letter dated 10 August 2001 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/342	Letter dated 14 August 2001 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/343	Letter dated 23 August 2001 from the Permanent Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/344	Letter dated 15 October 2001 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/345	Letter dated 26 October 2001 from the Minister-Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

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